

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****Art Unit:****Examiner:****Applicants:** Salvatore J. Folino et al.**Serial No:** 09/913,233**Filing Date:** August 10, 2001**For:** GASKET INSTALLATION APPARATUS

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**DECLARATION OF JO-ANN PERCY**

I, JO-ANN PERCY, of the Town of Newmarket, in the Province of Ontario, Canada SAY  
AS FOLLOWS:

1. I am the assistant to Jeffrey T. Imai, Chief Patent Counsel for Magna International Inc. (hereinafter "Magna") and as such have knowledge of the matters herein deposed.
2. I am responsible for the preparing the formal documents for patent applications filed by and on behalf of Magna and all of its subsidiaries, including Tesma International Inc. (hereinafter "Tesma"). In particular, I am responsible for preparing the Declaration/Power of Attorney form for United States patent application serial no. 09/913,233 (the '233 Application").
3. On September 25, 2001, I sent a copy of the '233 application and a copy of the Declaration/Power of Attorney under 37 C.F.R. § 1.497 to Mr. Folino's home address (Attachment 5).
4. Mr. Folino did not respond to the September 25, 2001 letter nor did Mr. Folino execute and return the Declaration/Power of Attorney.
5. I have periodically contacted Mr. Folino requesting that he execute the Declaration/Power of Attorney and return the executed copy. I have contacted

Mr. Folino several times via telephone and have again forwarded the Declaration/Power of Attorney and a copy of the patent application electronically via email, (Attachment 6).

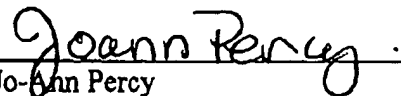
6. I forwarded the documents to Mr. Folino via email on August 27, 2002 and on August 21, 2002, (Attachments 6 and 7, respectively).

7. I have talked with Mr. Folino on several occasions. Mr. Folino initially stated that he had signed the Declaration/Power of Attorney and had faxed a copy back to Magna. I have no record of receiving such a signed Declaration/Power of Attorney.

8. I had a telephone conversation with Mr. Folino on August 27, 2002 wherein he stated that he would not sign the Declaration/Power of Attorney until he had his lawyer review the Assignment (Attachment 3). Therefore, I verily believe that Mr. Folino has refused to execute the Declaration/ Power of Attorney.

9. I verily believe that Magna, on behalf of the assignee of the patent application, Tesma, has solicited get Mr. Folino's cooperation and has taken every opportunity to elicit such cooperation. Magna was led to believe that the executed Declaration/Power of Attorney was signed and that the executed Declaration/Power of Attorney was forthcoming.

10. The undersigned hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Petition is directed.

  
Joann Percy

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**DECLARATION OF JEFFREY T. IMAI**

I, JEFFREY T. IMAI, USPTO Registration no. 34,991, of the City of Toronto, in the Province of Ontario, Canada SAY AS FOLLOWS:

1. I am the Chief Patent Counsel for Magna International Inc. (hereinafter "Magna") and as such have knowledge of the matters herein deposed.
2. I am responsible for the management of patent matters for Magna and all of its subsidiaries, including Tesma International Inc. (hereinafter "Tesma"). In particular, I am responsible for instructing counsel for the prosecution of United States patent application serial no. 09/913,233 (the '233 Application").
3. The '233 Application names Salvatore J. Folino, Peter Vert and Cecil Beauman as inventors ("the Inventors") of a gasket installation apparatus. This was the subject matter of a United States provisional patent application having a serial number of 60/119,390 and a filing date of February 10, 1999.
4. The Inventors assigned all right, title and interest in and to the above-mentioned provisional patent application, as evidenced by an assignment (Attachment 1).
5. A PCT patent application having an International Application Number PCT/CA00/00128, was filed on February 10, 2000. This PCT patent application

claims priority to the above-noted provisional patent application. See the publication notice attached hereto (Attachment 2).

6. The '233 Application was filed on August 10, 2001 and claims priority to the originally filed provisional patent application through the above-identified PCT patent application. This is evidenced by the Declaration/Power of Attorney for the above-captioned patent application for which this petition has been prepared and filed (Attachment 3).

7. Mr. Vert executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 19, 2001 for the above-captioned patent application. Mr. Beauman executed a Declaration/Power of Attorney under 37 C.F.R. § 1.497 on September 25, 2001 for the same patent application. Both inventors signed the Declaration/Power of Attorney on their own behalf and on the behalf of Mr. Folino (Attachment 4).

8. On September 25, 2001, I sent a copy of the patent application and a copy of the Declaration/Power of Attorney under 37 C.F.R. § 1.497 to Mr. Folino's home address (Attachment 5).

9. Mr. Folino did not respond to the September 25, 2001 letter nor did Mr. Folino execute and return the Declaration/Power of Attorney.

10. I have requested that my assistant Ms. Jo-Ann Percy contact Mr. Folino requesting he execute the Declaration/Power of Attorney and return the executed copy. I verily believe that Ms. Percy has contacted Mr. Folino several times via telephone and has again forwarded the Declaration/Power of Attorney and a copy of the patent application electronically via email, (Attachment 6).

11. I verily believe that Ms. Percy forwarded the documents to Mr. Folino via email on August 27, 2002 and on August 21, 2002, (Attachments 6 and 7, respectively).

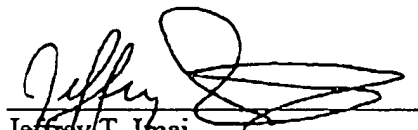
12. I verily believe that Ms. Percy has talked with Mr. Folino on several occasions. Mr. Folino initially stated that he signed the Declaration/Power of Attorney and had faxed a copy back to Magna. I have also had a telephone conversation with Mr. Folino who stated to me that he has signed the Declaration/Power of Attorney and faxed a copy back to me. I stated that I have not received

the Declaration/ Power of Attorney and again requested that Mr. Folino fax another copy to me. However, I have no record of receiving such a signed Declaration/Power of Attorney.

13. I verily believe that Ms. Percy had a telephone conversation with Mr. Folino on August 27, 2002 wherein he stated that he would not sign the Declaration/Power of Attorney in advance of August 28, 2002. Therefore, I verily believe that Mr. Folino has refused to execute the Declaration/ Power of Attorney.

14. I verily believe that Magna, on behalf of the assignee of the patent application, Tesma, has solicited get Mr. Folino's cooperation and has taken every opportunity to elicit such cooperation. Magna was led to believe that the executed Declaration/Power of Attorney was signed and that the executed Declaration/Power of Attorney was forthcoming.

15. The undersigned hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this Petition is directed.

  
Jeffrey T. Imai  
Chief Patent Counsel



CERTIFICATE OF MAILING BY EXPRESS MAIL

EXPRESS MAIL MAILING LABEL NO. **EV038501531US**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on August 28, 2002 and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Andrea Y. Downing  
Andrea Y. Downing

Attorney Docket No. 19345-087835